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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re: Chapter 7

Chapter 7

Julian Salim

Case No. 13-01442

Debtor.

-----X

**APPELLANT'S DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON
APPEAL AND STATEMENT OF ISSUES FOR APPEAL OF THE ORDER OF THE
BANKRUPTCY COURT DENYING THE DISCHARGE OF MR. SALIM IN HIS
BANKRUPTCY PROCEEDING.**

Julian Salim, the debtor, appeal under 28 USC §158 (a) to the United States Bankruptcy Court for the Eastern District of New York from the order of the Honorable Elizabeth S. Stong, United States Bankruptcy Judge, dated March 16, 2015.

Appellant

Appellant, Julian Salim.

Represented by:

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Appellee

VCI
Represented by:

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DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD

Date Filed	#	Docket Text
03/21/2011	<u>1</u>	COMPLAINT against Big Apple Volkswagen, LLC, John Koepfel, Julian Salim, Gzregorz Samborski. (Filing Fee \$ 350.00, Receipt Number 927259)Document filed by VW Credit, Inc.(tro) (rdz). (Entered: 03/22/2011)
03/21/2011		SUMMONS ISSUED as to Big Apple Volkswagen, LLC, John Koepfel, Julian Salim, Gzregorz Samborski. (tro) (Entered: 03/22/2011)

03/21/2011		Magistrate Judge Ronald L. Ellis is so designated. (tro) (Entered: 03/22/2011)
03/21/2011		Case Designated ECF. (tro) (Entered: 03/22/2011)
03/21/2011	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Volkswagen Group of America; Volkswagen, AG as Corporate Parent. Document filed by VW Credit, Inc.(tro) (ama). (Entered: 03/22/2011)
03/22/2011	<u>3</u>	ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER: It is hereby ordered that the Defendants show cause on 4/1/2011 at 10:30 AM in Clerk's Office, 300 Quarropas Street, White Plains, NY 10601 before Judge Colleen McMahon, why an order should not be made and entered as set forth in this Order. ENDORSEMENT: Since opposing counsel are known, a courtesy copy must be served by hand on defendants counsel also by 5 pm tomorrow. Responsive papers are due to be served (with a courtesy copy to Chambers) by hand on plaintiffs' counsel no later than 5pm on Monday, March 28. Reply papers are due to be served (with one courtesy copy to Chambers) by hand on defendants' counsel no later than NOON on Wednesday March, 30 (Signed by Judge Colleen McMahon on 3/22/2011) (jpo) Modified on 3/22/2011 (jpo). (Entered: 03/22/2011)
03/23/2011	<u>4</u>	CALENDAR NOTICE: Please take notice that the above captioned matter has been scheduled for Order to Show Cause Hearing before the Honorable Colleen McMahon, United States District Judge, on Friday, April 1, 2011 at 10:30 a.m. U.S.District Court, 300 Quarropas Street, White Plains New York 10601. So Ordered (Signed by Judge Colleen McMahon on 3/23/2011) (js) (Entered: 03/23/2011)
03/28/2011	<u>5</u>	AFFIDAVIT of Glenn Backer, Esq. in Opposition. Document filed by John Koeppe. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Affidavit)(Backer, Glenn) (Entered: 03/28/2011)
03/28/2011	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Julian Salim served on 3/23/2011, answer due 4/13/2011. Service was accepted by Gzregorz Samborski. Document filed by VW Credit, Inc.. (Attachments: # <u>1</u> Summons)(Jackson, F.) (Entered: 03/28/2011)
03/28/2011	<u>7</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Gzregorz Samborski served on 3/23/2011, answer due 4/13/2011. Service was

		accepted by Defendant, Gzregorz Samborski. Document filed by VW Credit, Inc.. (Attachments: # 1 Summons)(Jackson, F.) (Entered: 03/28/2011)
03/28/2011	8	AFFIDAVIT OF SERVICE of Summons and Complaint. John Koeppel served on 3/23/2011, answer due 4/13/2011. Service was accepted by Defendant, John Koeppel. Document filed by VW Credit, Inc.. (Attachments: # 1 Summons)(Jackson, F.) (Entered: 03/28/2011)
03/28/2011	9	CERTIFICATE OF SERVICE of Summons and Complaint. Big Apple Volkswagen, LLC served on 3/23/2011, answer due 4/13/2011. Service was accepted by Gzregorz Samborski, President Big Apple Volkswagen LLC. Document filed by VW Credit, Inc.. (Attachments: # 1 Summons)(Jackson, F.) (Entered: 03/28/2011)
03/28/2011	10	AFFIDAVIT OF SERVICE of Order to Show Cause with supporting Documents served on John Koeppel on 03/23/2011. Service was accepted by Defendant, John Koeppel. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/28/2011)
03/28/2011	11	AFFIDAVIT OF SERVICE of Order to Show Cause with Temporary Restraining Order and supporting Documents served on Julian Salim on 03/23/2011. Service was accepted by Gzregorz Samborski. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/28/2011)
03/28/2011	12	AFFIDAVIT OF SERVICE of Order to Show Cause and Temporary Restraining Order with supporting documents served on Gzregorz Samborski on 03/23/2011. Service was accepted by Gzregorz Samborski. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/28/2011)
03/28/2011	13	AFFIDAVIT OF SERVICE of Order to Show Cause and Temporary Restraining Order with supporting documents served on Big Apple Volkswagen, LLC on 03/23/2011. Service was accepted by Gzregorz Samborski, President Big Apple Volkswage, LLC. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/28/2011)
03/28/2011	14	AFFIDAVIT OF SERVICE of Summons, Complaint, Affidavit of John Miele, Corporate Disclosure, Motion for Order to Show Cause, Order to Show Cause and Temporary Restraining Order, Memorandum of Law and Replevin Bond served on Glen Backer, Esq. on 03/23/2011. Service

		was accepted by J. Acosta, Secretary. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/28/2011)
03/28/2011	15	AFFIDAVIT OF SERVICE of Summons, Complaint, Affidavit of John Miele, Corporate Disclosure, Motion for Order to Show Cause and Temporary Restraining Order, Memorandum of Law and Replevin Bond served on John Gentile, Esq. on 03/23/2011. Service was accepted by Debbie Lippertshauser, Secretary. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/28/2011)
03/28/2011	16	STATUS REPORT. Document filed by VW Credit, Inc..(Deily, Jonathan) (Entered: 03/28/2011)
03/30/2011	17	NOTICE OF APPEARANCE by Glenn Backer on behalf of John Koepfel (Attachments: # 1 Affidavit)(Backer, Glenn) (Entered: 03/30/2011)
03/30/2011	18	SUGGESTION OF BANKRUPTCY upon the record as to Big Apple Volkswagen LLC. Document filed by VW Credit, Inc. (Attachments: # 1 Exhibit Voluntary Petition)(Deily, Jonathan) (Entered: 03/30/2011)
03/30/2011	19	RESPONSE re: 5 Affidavit in Opposition VW Credit's Response to John Koepfel's Affidavit in Partial Opposition., REPLY. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/30/2011)
03/31/2011	20	NOTICE of Notice of Chapter 11 Bankruptcy Filing. Document filed by Big Apple Volkswagen, LLC. (Blatt, Steven) (Entered: 03/31/2011)
04/01/2011		Minute Entry for proceedings held before Judge Colleen McMahon: Show Cause Hearing (TRO Hearing) held on 4/1/2011. Decision: Plaintiff's motion for a TRO and order of replenish is denied. Action is stayed 90 days to monitor Dft-Big Apple VW's Bankruptcy proceeding. (Submitted by J. O'Neill). (mde) (Entered: 04/04/2011)
04/05/2011		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney F. Matthew Jackson for noncompliance with Section (14.3) of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document 2 Rule 7.1 Corporate Disclosure Statement, 1 Complaint to: case_openings@nysd.uscourts.gov. (rdz) (Entered: 04/05/2011)

04/11/2011	<u>21</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Discharge <i>Replevin Bond</i> filed with the Court on or about March 22, 2011. Document filed by VW Credit, Inc. (Attachments: # <u>1</u> Affidavit in Support of Motion to Cancel Bond with annexed Exhibit A, # <u>2</u> Text of Proposed Order Proposed Order Discharging Bond)(Jackson, F.) Modified on 4/11/2011 (ldi). (Entered: 04/11/2011)
04/11/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney F. Matthew Jackson to RE-FILE Document <u>21</u> MOTION to Discharge <i>Replevin Bond</i> filed with the Court on or about March 22, 2011. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Affidavit in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 04/11/2011)
04/11/2011	<u>22</u>	CERTIFICATE OF SERVICE of Motion to Discharge Replevin Bond, Affidavit in Support and Proposed Order served on John Gentile, Esq. and Eric Snyder, Esq.. Service was made by Mail. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 04/11/2011)
04/11/2011	<u>23</u>	MOTION to Discharge <i>Replevin Bond</i> filed with the Court on or about March 22, 2011. Document filed by VW Credit, Inc..(Jackson, F.) (Entered: 04/11/2011)
04/11/2011	<u>24</u>	AFFIDAVIT of F. Matthew Jackson, Esq. in Support re: <u>23</u> MOTION to Discharge <i>Replevin Bond</i> filed with the Court on or about March 22, 2011.. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 04/11/2011)
04/26/2011	<u>25</u>	MEMO ENDORSEMENT on <u>23</u> Motion to Discharge. ENDORSEMENT: Motion granted on consent. (Signed by Judge Colleen McMahon on 4/25/2011) (lnl) (Entered: 04/26/2011)
05/31/2011	<u>26</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Amend/Correct for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint. Document filed by VW Credit, Inc. (Attachments: # <u>1</u> Affirmation in Support of Motion for Order Vacating Stay, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B-D)(Jackson, F.) Modified on 5/31/2011 (db). (Entered: 05/31/2011)

05/31/2011	27	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: 26 MOTION to Amend/Correct <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint</i> . Document filed by VW Credit, Inc.. (Jackson, F.) Modified on 5/31/2011 (db). (Entered: 05/31/2011)
05/31/2011	28	CERTIFICATE OF SERVICE of Motion for Order Vacating Stay and Plaintiff Leave to File Amended Complaint, Affirmation in Support and Memorandum of Law in Support served on John J. Gentile, Esq., Eric J. Snyder, Esq. and Glenn Baker, Esq. on 5/31/2011. Service was made by Mail and ECF. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/31/2011)
05/31/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney F. Matthew Jackson to RE-FILE Document 26 MOTION to Amend/Correct <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint</i> . ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 05/31/2011)
05/31/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney F. Matthew Jackson to RE-FILE Document 27 Memorandum of Law in Support. ERROR(S): Document linked to filing error. (db) (Entered: 05/31/2011)
05/31/2011	29	MOTION to Amend/Correct 1 Complaint <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint</i> . Document filed by VW Credit, Inc..(Jackson, F.) (Entered: 05/31/2011)
05/31/2011	30	AFFIRMATION of F. Matthew Jackson in Support re: 29 MOTION to Amend/Correct 1 Complaint <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint</i> .. Document filed by VW Credit, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B-D)(Jackson, F.) (Entered: 05/31/2011)
05/31/2011	31	MEMORANDUM OF LAW in Support re: 29 MOTION to Amend/Correct 1 Complaint <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint</i> .. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/31/2011)

05/31/2011	<u>32</u>	CERTIFICATE OF SERVICE of MOTION to Amend/Correct for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint served on John J. Gentile, Eric J. Snyder and Glenn Backer on 5/31/11. Service was made by Mail and ECF. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/31/2011)
06/03/2011	<u>33</u>	ENDORSED LETTER addressed to All Counsel from Judge Colleen McMahon dated 6/3/2011 re: Newly-filed motion to restore. ENDORSEMENT: Before dealing with the newly-filed motion to restore this case to the calendar and to add an additional party, I need to know whether the Chapter 11 Trustee has commenced or plans to commence an adversary proceeding to recover the monies that were corruptly transferred out of BigApple's bankruptcy estate. It seems to me (as it seemed when I first considered this matter) that this will all get sorted out in the Bankruptcy Court, and that there is nothing for this court to do except to interfere with the administration of a case pending before Judge Peck. If the Chapter 11 Trustee wishes to weigh in on the issue, I would be happy to hear from him. (Signed by Judge Colleen McMahon on 6/3/2011) (ab) (Entered: 06/03/2011)
06/15/2011	<u>34</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - PRE-CONFERENCE STATEMENT <i>Letter to Judge McMahon June 15 2011</i> . Document filed by Julian Salim.(Blatt, Steven) Modified on 6/15/2011 (ldi). (Entered: 06/15/2011)
06/15/2011	<u>35</u>	AFFIDAVIT of Glenn Backer, Esq. in Opposition re: <u>29</u> MOTION to Amend/Correct <u>1</u> Complaint <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended Complaint</i> .. Document filed by John Koepfel. (Attachments: # <u>1</u> Affidavit)(Backer, Glenn) (Entered: 06/15/2011)
06/15/2011		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>34</u> HAS BEEN REJECTED. Note to Attorney Steven H Blatt : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (ldi) (Entered: 06/15/2011)
06/15/2011	<u>36</u>	NOTICE of VW Credit, Inc.'s Withdrawal of its Pending Motion Seeking an Order Vacating the Stay and Granting Leave to File an Amended Complaint re: <u>29</u> MOTION to Amend/Correct <u>1</u> Complaint <i>for Order Vacating Stay and Granting Plaintiff Leave to File Amended</i>

		<i>Complaint..</i> Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 06/15/2011)
07/01/2011	<u>37</u>	ANSWER to <u>1</u> Complaint. Document filed by Julian Salim, Gzregorz Samborski.(Blatt, Steven) (Entered: 07/01/2011)
07/06/2011	<u>38</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Steven Blatt dated 6/30/11 re: For all the foregoing reasons, defendants Gzregorz Samborski and Julian Salim, respectfully requests that the Court schedule a conference to discuss an extension of the stay of proceedings that had been in effect in this action since April 1, 2011. ENDORSEMENT: Why do we need a Conference? Do you want the stay extended? (Signed by Judge Colleen McMahon on 7/6/11) (dj) (Entered: 07/06/2011)
07/07/2011	<u>39</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Steven Blatt, Esq. dated 7/7/2011 re: Counsel for the Defendants writes to request an extension of the stay of proceedings that had been in effect in this action since 4/1/2011. ENDORSEMENT: Stay extended until 10 days after resolution of the Trustee sale. (Signed by Judge Colleen McMahon on 7/7/2011) (ab) (Entered: 07/07/2011)
07/07/2011	<u>40</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from F. Matther Jackson dated 7/7/2011 re: Counsel for the Plaintiff writes to in response to the letters on behalf of defendants Samborski and Salim dated. VCI object to any further discretionary stay of this action. ENDORSEMENT: Oh, I am sorry. I thought everyone agreed. I withdraw my earlier order. The stay has been expired. VCI can make any motion it wishes or guarantees. If it permits we can sort out whether any judgments are collectible later. (Signed by Judge Colleen McMahon on 7/7/2011) (ab) (Entered: 07/07/2011)
07/08/2011	<u>41</u>	ANSWER to Complaint., CROSSCLAIM against John Koeppel. Document filed by John Koeppel. (Attachments: # <u>1</u> Affidavit aff of service)(Backer, Glenn) (Entered: 07/08/2011)
07/11/2011	<u>42</u>	ANSWER to <u>41</u> Crossclaim. Document filed by Julian Salim, Gzregorz Samborski.(Blatt, Steven) (Entered: 07/11/2011)

08/02/2011	43	MOTION for Summary Judgment <i>on Liability Only on Count I of its Verfeid Complaint Against Defendants Koepfel, Samborski and Salim.</i> Document filed by VW Credit, Inc..(Jackson, F.) (Entered: 08/02/2011)
08/02/2011	44	DECLARATION of F. Matthew Jackson, Esq. in Support re: 43 MOTION for Summary Judgment <i>on Liability Only on Count I of its Verfeid Complaint Against Defendants Koepfel, Samborski and Salim..</i> Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 08/02/2011)
08/02/2011	45	AFFIDAVIT of John Miele in Support re: 43 MOTION for Summary Judgment <i>on Liability Only on Count I of its Verfeid Complaint Against Defendants Koepfel, Samborski and Salim..</i> Document filed by VW Credit, Inc.. (Attachments: # 1 Exhibit A - Master Security Agreement, # 2 Exhibit B - Security Agreement and Capital Loan Agreement, # 3 Exhibit C - Continuing Guaranty of Koepfel, # 4 Exhibit D - Continuing Guaranty of Samborski, # 5 Exhibit E - Continuing Guaranty of Salim, # 6 Exhibit F - UCC Financing Statement, # 7 Exhibit G - VCI's Acceleration Letter)(Jackson, F.) (Entered: 08/02/2011)
08/02/2011	46	RULE 56.1 STATEMENT. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 08/02/2011)
08/02/2011	47	MEMORANDUM OF LAW in Support re: 43 MOTION for Summary Judgment <i>on Liability Only on Count I of its Verfeid Complaint Against Defendants Koepfel, Samborski and Salim..</i> Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 08/02/2011)
08/02/2011	48	CERTIFICATE OF SERVICE of Motion for Summary Judgement and Supporting Papers served on John J. Gentile, Esq.; Eric J. Snyder, Esq. and Glenn Baker, Esq. on 8/2/2011. Service was made by Mail and ECF. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 08/02/2011)
08/08/2011	49	ENDORSED LETTER addressed to Judge Colleen McMahon from F. Matthew Jackson dated 8/5/2011 re: Counsel for defendant's request an extension of the deadline within which to respond to Plaintiff's Motion for Summary Judgment. ENDORSEMENT: Ok. (Responses due by 9/6/2011) (Signed by Judge Colleen McMahon on 8/8/2011) (laq) (Entered: 08/08/2011)

08/31/2011	50	ENDORSED LETTER addressed to Judge Colleen McMahon from Glenn Backer dated 8/18/2011 re: Counsel for the Defendant writes to inform the Court the Plaintiff's counsel has agreed to extend the time from 9/6/2011 to 9/13/2011 for Mr. Koeppel to respond to the summary judgment motion. ENDORSEMENT: OK. (Responses due by 9/13/2011) (Signed by Judge Colleen McMahon on 8/31/2011) (ab) (Entered: 08/31/2011)
09/02/2011	51	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION for Bellavia Gentile & Associates, LLP to Withdraw as Attorney <i>Order to Show Cause to Withdraw as Counsel to Defendants Salim and Samborski</i> . Document filed by Julian Salim, Gzregorz Samborski.(Blatt, Steven) Modified on 9/6/2011 (db). (Entered: 09/02/2011)
09/02/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Steven H Blatt to E-MAIL Document No. 51 Order to Show Cause to judgments@nysd.uscourts.gov. This document is not filed via ECF. (db) (Entered: 09/06/2011)
09/07/2011	52	ORDER TO SHOW CAUSE TO WITHDRAW AS COUNSEL TO DEFENDANTS GZREGORZ SAMBORSKI AND JULIAN SALIAN that defendants show cause why an order should not be issued, permitting the law firm of Bellavia Gentile & Associates, LLP to withdraw as attorneys for defendants Samborksi and Salim. Show Cause Hearing set for 9/16/2011 at 09:30 PM before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 9/2/11) (cd) (Entered: 09/07/2011)
09/07/2011	53	AFFIDAVIT OF SERVICE of Order to Show Cause to Withdraw as Counsel to defendants Samborski and Salim served on VW Credit, Inc.; John Koeppel; Gzregorz Samborski and Julian Salian on 9/7/11. Service was made by Federal Express Mail. Document filed by Julian Salim, Gzregorz Samborski. (Blatt, Steven) (Entered: 09/07/2011)
09/12/2011	54	Objection re: 52 Order to Show Cause, <i>Limited Opposition of VW Credit, Inc. to Application of Bellavia Gentile and Associates, LLP to Withdraw as Counsel</i> . Document filed by VW Credit, Inc.. (Attachments: # 1 Exhibit A, # 2 Certificate of Service)(Jackson, F.) (Entered: 09/12/2011)

09/16/2011		Minute Entry for proceedings held before Judge Colleen McMahon: Pretrial Conference held on 9/16/2011. Decision: Conference on counsel's motion to withdraw held. Ordered: The motion is granted; defendant will have 30 days, or until 10/17/11, to obtain new counsel or proceed pro se. Defendant's response to plaintiff's motion for partial summary judgment is due 14 days after, on 10/31/11; plaintiff's reply papers, if any, are due 11/17/11. (Submitted by Scott Danner). (mde) (Entered: 09/16/2011)
09/16/2011	55	ORDER: Good cause having been shown, and there being no objection, the motion for Bellavia Gentile & Associates, LLP to Withdraw as Attorney for Defendants Samborski and Salim is granted. Defendants will have 30 days, or until October 17, 2011 to obtain new counsel, or else proceed prose. Defendants will have 14 days thereafter, or until October 31, 2011 to interpose their opposition, if any, to Plaintiffs motion for partial summary judgment. Plaintiffs reply, if any, is due November 7, 2011. 43 MOTION for Summary Judgment <i>on Liability Only on Count I of its Verified Complaint Against Defendants Koepfel, Samborski and Salim.</i> :(Responses due by 10/31/2011, Replies due by 11/7/2011.) (Signed by Judge Colleen McMahon on 9/16/2011) (jfe) (Entered: 09/16/2011)
09/30/2011	56	NOTICE OF CASE ASSIGNMENT to Judge Paul A. Engelmayer. Judge Colleen McMahon is no longer assigned to the case. (sjo) (Entered: 09/30/2011)
10/26/2011	57	STIPULATION: that the time for defendant John Koepfel to respond to plaintiffs motion is extended from 10/31/2011 to 11/7/2011. Plaintiff's reply, if any, is due November 14, 2011. (Responses due by 11/7/2011, Replies due by 11/14/2011.) (Signed by Judge Paul A. Engelmayer on 10/26/2011) (ft) (Entered: 10/27/2011)
11/07/2011	58	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Summary Judgment. Document filed by John Koepfel. (Attachments: # 1 affidavit, # 2 memo of law, # 3 rule 56 statement, # 4 exhibits 1-12, # 5 affidavits of service)(Backer, Glenn) Modified on 11/8/2011 (ldi). (Entered: 11/07/2011)
11/07/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Glenn Backer to RE-FILE Document 58 MOTION for Summary Judgment. ERROR(S): Supporting documents must be filed separately, each receiving their

		own document number. Affidavit in Support of Motion and Memorandum of Law in Support of Motion are both found under the event list Replies, Opposition and Supporting Documents. Rule 56.1 Statement is found under the event list Other Answers. (Idi) (Entered: 11/08/2011)
11/08/2011	59	MOTION for Summary Judgment. Document filed by John Koepfel.(Backer, Glenn) (Entered: 11/08/2011)
11/08/2011	60	AFFIDAVIT of John Koepfel in Support re: 59 MOTION for Summary Judgment.. Document filed by John Koepfel. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit)(Backer, Glenn) (Entered: 11/08/2011)
11/08/2011	61	MEMORANDUM OF LAW in Support re: 59 MOTION for Summary Judgment.. Document filed by John Koepfel. (Backer, Glenn) (Entered: 11/08/2011)
11/08/2011	62	RULE 56.1 STATEMENT. Document filed by John Koepfel. (Backer, Glenn) (Entered: 11/08/2011)
11/08/2011	63	AFFIDAVIT OF SERVICE of notice of motion with supporting documents served on Salim, Samborski, deilylawfirm. Service was made by mail. Document filed by John Koepfel. (Backer, Glenn) (Entered: 11/08/2011)
11/09/2011	64	REPLY MEMORANDUM OF LAW in Support re: 43 MOTION for Summary Judgment <i>on Liability Only on Count I of its Verified Complaint Against Defendants Koepfel, Samborski and Salim..</i> Document filed by VW Credit, Inc.. (Attachments: # 1 Affidavit Certificate of Service)(Jackson, F.) (Entered: 11/09/2011)
03/15/2012	65	OPINION & ORDER #101567 re: 43 MOTION for Summary Judgment <i>on Liability Only on Count I of its Verified Complaint Against Defendants Koepfel, Samborski and Salim</i> filed by VW Credit, Inc., 59 MOTION for Summary Judgment filed by John Koepfel. For the foregoing reasons, VCI's motion for summary judgment on liability as to its breach of contract claim (Count One) against defendants Koepfel, Samborski, and Salim is GRANTED. Defendant Koepfel's motion for summary judgment as to his first cross-claim against co-defendants

		Samborski and Salim is DENIED. The Clerk of Court is directed to terminate the motions pending at docket entries number 43 and 49. Pretrial conference set for 4/2/2012, at 9:30 am, and as further set forth in this document. (Signed by Judge Paul A. Engelmayer on 3/14/2012) (cd) Modified on 3/16/2012 (eef). (Entered: 03/15/2012)
03/15/2012		Set/Reset Hearings: Pretrial Conference set for 4/2/2012 at 09:30 AM before Judge Paul A. Engelmayer. (cd) (Entered: 03/15/2012)
03/15/2012	66	CERTIFICATE OF SERVICE of Opinion & Order of Hon. Paul A. Engelmayer served on Julian Salim & Grzegorz Samborski on March 15, 2012. Service was made by Mail and Electronic Mail. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/15/2012)
03/27/2012	67	ORDER: that the pretrial conference in this case that was previously scheduled for April 2, 2012, at 9:30 a.m. is adjourned to April 2, 2012, at 3:30 p.m. Counsel for all parties shall be in attendance. Should any party to this action be proceeding without representation, that party shall be in attendance at the conference. (Pretrial Conference set for 4/2/2012 at 03:30 PM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 3/27/2012) (pl) (Entered: 03/27/2012)
03/27/2012	68	CERTIFICATE OF SERVICE of Order served on Julian Salim & Grzegorz Samborski on 3/27/2012. Service was made by Mail & Electronic Mail. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 03/27/2012)
04/02/2012		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Pre-Motion Conference held on 4/2/2012. Plaintiff's motion for summary judgment due May 21, 2012; Defendant's opposition by June 11, 2012; Reply due June 18, 2012 (js) (Entered: 04/06/2012)
04/06/2012	69	CERTIFICATE OF SERVICE of Minute Entry for proceedings held before Hon. Paul A. Engelmayer entered on April 6, 2012 and filed April 2, 2012 served on Julian Salim & Grzegorz Samborski on April 6, 2012. Service was made by First Class Mail & Electronic Mail. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 04/06/2012)
04/09/2012	70	ORDER: Any motion for summary judgment as to damages in this action shall be filed no later than May 21, 2012. Opposition papers are due June 11, 2012; reply papers, if any, are due June 18, 2012. (

		Motions due by 5/21/2012., Responses due by 6/11/2012, Replies due by 6/18/2012.) (Signed by Judge Paul A. Engelmayer on 4/6/2012) (mro) (Entered: 04/09/2012)
04/19/2012		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney F. Matthew Jackson for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>1</u> Complaint to: caseopenings@nysd.uscourts.gov. (rjm) (Entered: 04/19/2012)
05/16/2012	<u>71</u>	MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim</i> . Document filed by VW Credit, Inc..(Jackson, F.) (Entered: 05/16/2012)
05/16/2012	<u>72</u>	AFFIDAVIT of Crystal Jeffrey-Alexander in Support re: <u>71</u> MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim</i> .. Document filed by VW Credit, Inc.. (Attachments: # <u>1</u> Exhibit Ex A, # <u>2</u> Exhibit Ex B, # <u>3</u> Exhibit Ex C Part 1A, # <u>4</u> Exhibit Ex C Part 1B, # <u>5</u> Exhibit Ex C Part 2A, # <u>6</u> Exhibit Ex C Part 2B, # <u>7</u> Exhibit Ex D, # <u>8</u> Exhibit Ex E, # <u>9</u> Exhibit Ex F Part 1, # <u>10</u> Exhibit Ex F Part 2, # <u>11</u> Exhibit Ex G Part 1, # <u>12</u> Exhibit Ex G Part 2, # <u>13</u> Exhibit Ex H, # <u>14</u> Exhibit Ex I)(Jackson, F.) (Entered: 05/16/2012)
05/16/2012	<u>73</u>	DECLARATION of F. Matthew Jackson in Support re: <u>71</u> MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim</i> .. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/16/2012)
05/16/2012	<u>74</u>	RULE 56.1 STATEMENT. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/16/2012)
05/16/2012	<u>75</u>	MEMORANDUM OF LAW in Support re: <u>71</u> MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim</i> .. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/16/2012)
05/16/2012	<u>76</u>	CERTIFICATE OF SERVICE of Motion for Summary Judgment and Supporting Papers served on Gzregorz Samborski, Julian Salim and John Koepfel on May 16, 2012. Service was made by Federal Express

		and ECF Notice. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 05/16/2012)
06/08/2012	77	NOTICE OF APPEARANCE by Daniel A. Seymour on behalf of Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski (Seymour, Daniel) (Entered: 06/08/2012)
06/08/2012	78	STIPULATION MODIFYING BRIEFING SCHEDULE: It is hereby stipulated as follows: 1. The time for defendant John Koeppel to ECF his opposition to plaintiff's motion for summary judgment as to damages is extended from June 11, 2012 to June 18, 2012. 2. Plaintiffs reply papers, if any, are due June 25, 2012. Set Deadlines/Hearing as to 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koeppel, Samborski and Salim</i> : (Responses due by 6/18/2012, Replies due by 6/25/2012.) (Signed by Judge Paul A. Engelmayer on 6/8/2012) (mro) (Entered: 06/08/2012)
06/14/2012	79	STIPULATION ADJOURNING MOTION: IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that the Plaintiff's Motion for Summary Judgment, which is presently returnable on June 11, 2012 is hereby adjourned until June 18, 2012 for defendants BIG APPLE VOLKSWAGON, LLC, GZREGORZ SAMBORSKI and JULIAN SALIM to file opposition papers. Plaintiff's reply is due on June 25, 2012., (Responses due by 6/18/2012., Replies due by 6/25/2012.) (Signed by Judge Paul A. Engelmayer on 6/14/2012) (lmb) (Entered: 06/14/2012)
06/18/2012	80	FILING ERROR - DEFICIENT DOCKET ENTRY - AFFIRMATION of DANIEL A. SEYMOUR in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koeppel, Samborski and Salim</i> .. Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski. (Seymour, Daniel) Modified on 6/19/2012 (ldi). (Entered: 06/18/2012)
06/18/2012	81	COUNTER STATEMENT TO 74 Rule 56.1 Statement., RULE 56.1 STATEMENT. Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski. (Seymour, Daniel) (Entered: 06/18/2012)
06/18/2012	82	FILING ERROR - DEFICIENT DOCKET ENTRY - AFFIDAVIT of Glenn Backer, Esq. in Opposition re: 71 MOTION for Summary

		Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by John Koepfel. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Affidavit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 memo of law, # 10 rule 56.1 statement)(Backer, Glenn) Modified on 6/19/2012 (ldi). (Entered: 06/18/2012)
06/18/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Daniel A. Seymour to RE-FILE Document 80 Affirmation in Opposition to Motion. ERROR(S): Supporting/Opposing documents must be filed separately, each receiving their own document number. Affidavit in Opposition to Motion is found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 06/19/2012)
06/18/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Glenn Backer to RE-FILE Document 82 Affidavit in Opposition to Motion. ERROR(S): Supporting/Opposing documents must be filed separately, each receiving their own document number. Affidavit in Opposition to Motion and Memorandum of Law in Opposition to Motion are both found under the event list Replies, Opposition and Supporting Documents. Counter Statement to Rule 56.1 is found under the event list Other Answers. (ldi) (Entered: 06/19/2012)
06/20/2012	83	RULE 56.1 STATEMENT. Document filed by John Koepfel. (Backer, Glenn) (Entered: 06/20/2012)
06/20/2012	84	AFFIDAVIT of John Koepfel in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by John Koepfel. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Backer, Glenn) (Entered: 06/20/2012)
06/20/2012	85	AFFIDAVIT of Glenn Backer in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by John Koepfel. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Backer, Glenn) (Entered: 06/20/2012)
06/20/2012	86	MEMORANDUM OF LAW in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel,</i>

		<i>Samborski and Salim..</i> Document filed by John Koepfel. (Backer, Glenn) (Entered: 06/20/2012)
06/21/2012	87	AFFIRMATION of DANIEL A. SEYMOUR in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski. (Seymour, Daniel) (Entered: 06/21/2012)
06/21/2012	88	AFFIDAVIT of Julian Salim in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski. (Seymour, Daniel) (Entered: 06/21/2012)
06/21/2012	89	AFFIDAVIT of Gzregorz Samborski in Opposition re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski. (Seymour, Daniel) (Entered: 06/21/2012)
06/21/2012	90	CERTIFICATE OF SERVICE of affirmation in opposition served on Matthew Jackson, Esq. and Glenn Backer, Esq. on June 18, 2012. Service was made by Mail. Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski. (Seymour, Daniel) (Entered: 06/21/2012)
06/25/2012	91	REPLY to Response to Motion re: 71 MOTION for Summary Judgment <i>on Damages Against Defendants Koepfel, Samborski and Salim..</i> Document filed by VW Credit, Inc.. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8)(Jackson, F.) (Entered: 06/25/2012)
06/25/2012	92	CERTIFICATE OF SERVICE served on Daniel A. Seymour, Esq. and Glenn Backer, Esq. on June 25, 2012. Document filed by VW Credit, Inc.. (Jackson, F.) (Entered: 06/25/2012)
11/29/2012	93	OPINION AND ORDER: #102634 granting 71 Motion for Summary Judgment. For the foregoing reasons, VCI's motion for summary judgment on damages as to defendants Koepfel, Samborski, and Salim

		is granted, and the defendants are jointly and severally liable to VCI in the amount of \$1,146,758.11. The Clerk of Court is respectfully instructed to terminate the motion pending at docket entry number 71. No later than December 13, 2012, the parties are directed to submit a joint letter (1) identifying the remaining claims in this case, and (2) proposing a schedule going forward. To the extent the parties cannot agree, the letter should identify areas of disagreement and each parties' proposal. Glenn Backer, Esq., counsel for defendant John Koeppel, is directed to file this submission with the Court. Sixty days from the date of this opinion, and every 60 days thereafter, VCI is instructed to apprise the Court of the status of Big Apple's bankruptcy proceeding. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/29/2012) (ama) Modified on 12/4/2012 (jab). (Entered: 11/29/2012)
11/29/2012	94	ORDER: Pursuant to the Court's November 29, 2012 Opinion & Order, the Clerk of Court is directed to enter judgment in favor of plaintiff VW Credit, Inc. against defendants John Koeppel, Gzregorz Samborski, and Julian Salim in the amount of \$1,146,758.11. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/29/2012) (ama) (Entered: 11/29/2012)
11/29/2012		Transmission to Judgments and Orders Clerk. Transmitted re: 94 Order, to the Judgments and Orders Clerk. (ama) (Entered: 11/29/2012)
11/30/2012	95	CLERK'S JUDGMENT # 12,2120 in favor of VW Credit, Inc. against Gzregorz Samborski, John Koeppel, and Julian Salim in the amount of \$ 1,146,758.11. (Signed by Clerk of Court Ruby Krajick on 11/30/12) (Attachments: # 1 Notice of Right to Appeal)(dt) (Entered: 11/30/2012)
12/14/2012	96	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Glenn Backer dated 12/13/2012 re: Request for an additional 60 days to conduct discovery of Mr. Samborski and Mr. Salim. ENDORSEMENT: Granted. VCI is excused from having to participate in the discovery which counsel for Mr. Koeppel will take. Discovery closes on 2/14/2013. Counsel have until 2/28/2013 to submit a premotion letter in support of any motion that may be contemplated for summary judgment. If no such motion is contemplated, counsel for Mr. Koeppel is directed to submit a status letter to the Court on 2/28/2013, on behalf of all counsel. (Signed by Judge Paul A. Engelmayer on 12/14/2012) (cd) (Entered: 12/14/2012)

12/14/2012		Set/Reset Deadlines: Discovery due by 2/14/2013. (cd) (Entered: 12/14/2012)
01/25/2013	<u>97</u>	FILING ERROR - ELECTRONIC FILING OF NON-ECF DOCUMENT - STATUS REPORT. Document filed by VW Credit, Inc..(Deily, Jonathan) Modified on 1/28/2013 (ka). (Entered: 01/25/2013)
01/28/2013		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>97</u> HAS BEEN REJECTED. Note to Attorney Jonathan D. Deily : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (ka) (Entered: 01/28/2013)
02/20/2013	<u>98</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Glenn Backer dated 2/13/2013 re: counsel for Defendant requests a 45 day extension of the February 14, 2013 discovery end date (docket 96). ENDORSEMENT: A thirty (30) day extension is granted. There will be no further extensions. (Signed by Judge Paul A. Engelmayer on 2/20/2013) (pl) (Entered: 02/20/2013)
03/01/2013	<u>99</u>	REQUEST for Production of Documents.Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski.(Seymour, Daniel) (Entered: 03/01/2013)
03/26/2013	<u>100</u>	NOTICE OF CASE REASSIGNMENT to Judge Lorna G. Schofield. Judge Paul A. Engelmayer is no longer assigned to the case. (pgu) (Entered: 03/26/2013)
03/28/2013	<u>101</u>	ENDORSED LETTER addressed to Judge Lorna G. Schofield from Glenn Backer dated 3/27/2013 re: Counsel requests a pre-motion conference to address Koeppel moving for summary judgment on his cross-claims. ENDORSEMENT: A pre-motion and general status conference shall be scheduled on April 9, 2013 at 11:30 AM at 40 Foley Sq. Courtroom 1106. All counsel shall appear. (Pre-Motion Conference set for 4/9/2013 at 11:30 AM at 40 Foley Sq., Courtroom 1106 before Judge Lorna G. Schofield. Status Conference set for 4/9/2013 at 11:30 AM at 40 Foley Sq., Courtroom 1106 before Judge Lorna G. Schofield.)

		(Signed by Judge Lorna G. Schofield on 3/28/2013) (ft) (Entered: 03/28/2013)
04/02/2013	102	ENDORSED LETTER addressed to Judge Lorna G. Schofield from Jonathan D. Deily re: Counsel for Plaintiff requests that VW Credit, Inc. be excused from attending the April 9, 2013 conference based on the prior Orders entered by Judge Engelmayer. ENDORSEMENT: APPLICATION GRANTED. (Signed by Judge Lorna G. Schofield on 4/2/2013) (rsh) (Entered: 04/02/2013)
04/05/2013	103	ORDER: Due to a scheduling conflict, the status conference scheduled for April 9, 2013, at 11:30 AM is rescheduled to April 9, 2013 at 3:00 PM. Status Conference set for 4/9/2013 at 03:00 PM before Judge Lorna G. Schofield. (Signed by Judge Lorna G. Schofield on 4/5/2013) (ft) (Entered: 04/08/2013)
04/08/2013	104	ENDORSED LETTER addressed to Judge Lorna G. Schofield from Daniel A. Seymour dated 4/8/2013 re: Counsel for defendants request an adjournment of the conference scheduled for April 9, 2013, at 11:30 a.m. due to the fact that I am out of the office with strep throat. Counsel for plaintiff consents to my request for adjournment. ENDORSEMENT: The Clerk of Court is directed to adjourn the conference to April 17, 2013 at 2:30 P.M. SO ORDERED. (Signed by Judge Lorna G. Schofield on 4/8/2013) (rsh) (Entered: 04/08/2013)
04/17/2013		Minute Entry for proceedings held before Judge Lorna G. Schofield: Pre-Motion Conference held on 4/17/2013. (See Order) (jcs) (Entered: 04/17/2013)
04/17/2013	105	ORDER: Motions for Summary Judgment due by 5/8/2013. Responses due by 5/22/2013. Replies due by 5/29/2013. (Signed by Judge Lorna G. Schofield on 4/17/2013) (ft) (Entered: 04/17/2013)
05/08/2013	106	FILING ERROR - DEFICIENT DOCKET ENTRY - EIGHTH MOTION for Summary Judgment. Document filed by John Koeppe. Responses due by 5/22/2013 Return Date set for 5/29/2013 at 10:00 AM. (Attachments: # 1 Affidavit, # 2 Affidavit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 16 Exhibit, # 17 Exhibit, # 18 Affidavit)(Backer, Glenn) Modified on 5/8/2013 (db). (Entered: 05/08/2013)

05/08/2013	<u>107</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: <u>106</u> EIGHTH MOTION for Summary Judgment. Document filed by John Koeppel. (Attachments: # <u>1</u> Affidavit)(Backer, Glenn) Modified on 5/8/2013 (db). (Entered: 05/08/2013)
05/08/2013	<u>108</u>	RULE 56.1 STATEMENT. Document filed by John Koeppel. (Attachments: # <u>1</u> Affidavit of service)(Backer, Glenn) (Entered: 05/08/2013)
05/08/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Glenn Backer to RE-FILE Document <u>106</u> EIGHTH MOTION for Summary Judgment. ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 05/08/2013)
05/08/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Glenn Backer to RE-FILE Document <u>107</u> Memorandum of Law in Support of Motion. ERROR(S): Document linked to filing error. (db) (Entered: 05/08/2013)
05/08/2013	<u>109</u>	SECOND MOTION for Summary Judgment. Document filed by John Koeppel. Responses due by 5/22/2013 Return Date set for 5/29/2013 at 10:00 AM.(Backer, Glenn) (Entered: 05/08/2013)
05/08/2013	<u>110</u>	AFFIDAVIT of John Koeppel in Support re: <u>109</u> SECOND MOTION for Summary Judgment.. Document filed by John Koeppel. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit)(Backer, Glenn) (Entered: 05/08/2013)
05/08/2013	<u>111</u>	AFFIDAVIT of Glenn Backer, Esq. in Support re: <u>109</u> SECOND MOTION for Summary Judgment.. Document filed by John Koeppel. (Backer, Glenn) (Entered: 05/08/2013)
05/08/2013	<u>112</u>	MEMORANDUM OF LAW in Support re: <u>109</u> SECOND MOTION for Summary Judgment.. Document filed by John Koeppel. (Backer, Glenn) (Entered: 05/08/2013)

06/03/2013	<u>113</u>	<p>ENDORSED LETTER addressed to Judge Lorna G. Schofield from Daniel A. Seymour dated 5/23/2013 re: Counsel for defendants Big Apple Volkswagon LLC, Grzegorz Samborski and Julian Salim. Please be advised that on May 15, 2013, defendant Samborski filed a voluntary petition for bankruptcy in the United States Bankruptcy Court for the Eastern District of New York. On May 15, 2013 defendant Salim filed a voluntary petition for bankruptcy in the United States Bankruptcy Court for the Eastern District of New York. It is my understanding and position that all proceedings are stayed by operation of the bankruptcy statutes. ENDORSEMENT: The cross-claims against Defendants Samborski and Salim are STAYED pursuant to 11 U.S.C. 362. Defendants shall file a status letter with the Court every 60 days updating the Court as to the status of the bankruptcy and attaching a copy of the relevant portion of the bankruptcy docket sheet. APPLICATION GRANTED. (Signed by Judge Lorna G. Schofield on 6/3/2013) (rsh) (Entered: 06/03/2013)</p>
07/31/2013	<u>114</u>	<p>STATUS REPORT. Document filed by VW Credit, Inc..(Deily, Jonathan) (Entered: 07/31/2013)</p>
08/09/2013	<u>115</u>	<p>LETTER addressed to Judge Lorna G. Schofield from Daniel A. Seymour dated 8/9/2013 re: Pursuant to your instructions, I will advise the Court once the bankruptcy proceedings have been concluded. Document filed by Big Apple Volkswagen, LLC, Julian Salim, Gzregorz Samborski.(lmb) (Entered: 08/12/2013)</p>
11/05/2013	<u>116</u>	<p>ORDER: The case shall be placed on the suspense calendar. The motion for summary judgment outstanding (Dkt. No. 109) is DISMISSED without prejudice to renewal at the conclusion of the bankruptcy. The parties shall update the Court regarding the status of the bankruptcy by November 15, 2013. (Signed by Judge Lorna G. Schofield on 11/5/2013) (lmb) (Entered: 11/05/2013)</p>
11/15/2013	<u>117</u>	<p>LETTER addressed to Judge Lorna G. Schofield from Daniel A. Seymour dated 11/15/2013 re: Both Mr. Salim and Mr. Samborski have advised me that their voluntary petitions for bankruptcy, filed in the Eastern District of New York are still pending. Pursuant to your instructions, I will advise the Court once the bankruptcy proceedings have been concluded. Document filed by Big Apple Volkswagen, LLC.(lmb) (Entered: 11/15/2013)</p>

STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

1 Whether the Bankruptcy Court erred when it failed to discharge Mr. Salim is bankruptcy because VCI should not have been permitted to request summary judgment when it failed to bring up the issues in two previous litigations at the District Court.

Dated: March 30, 2015
New York, New York

LAW OFFICES OF PHILLIP JAFFE, ESQ.
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